

1 least he would be in, in, in telephone contact --

2 MR. McCARTIN: Your Honor, I have --

3 JUDGE SIPPLE: -- regardless of the carrots that
4 need to be pulled.

5 MR. McCARTIN: I, I had spoken with him as recently
6 as yesterday afternoon and, and had discussed with him the
7 schedule. I placed a call and, and he wasn't there, so I'm
8 not quite sure what the reason is.

9 JUDGE SIPPLE: Does he have a fax? They've got all
10 this other fancy equipment.

11 MR. McCARTIN: He does have a fax, yes, Your Honor,
12 and, and a voice mail, which I left a message on.

13 JUDGE SIPPLE: Well, it -- I mean, it just doesn't
14 -- it doesn't sit too well because this is probably one of the
15 most -- one of the more important days in his life, and to
16 think that he's out of communication with his counsel while
17 you're in Court is --

18 MR. SCHATTENFIELD: There is no reason that he
19 thought he was going to be called today. We thought we had a
20 stipulation. And the fact -- he's a farmer. He's got to get
21 out there. If we'd have told him that something was open,
22 he'd have been there, because he calls us regularly. But he
23 did not know there was going to be any need for him to be
24 involved in this at all.

25 JUDGE SIPPLE: Well, maybe I just have a more

1 compulsive outlook on life when it comes to these things, but
2 I, I'm not, I'm not going to, I'm not going to hold it against
3 him, but it's -- you know, we're, we're --

4 MR. SCHATTENFIELD: We --

5 JUDGE SIPPLE: We're, we're that much -- we're,
6 we're that much further from, from, from shutting this down.
7 But, on the other hand, from what you're telling me, certainly
8 between now and March 14th we can get it corrected. So, I, I
9 -- you know -- let me say no more about it.

10 MR. SCHATTENFIELD: It was not our change. It was
11 something that we thought we'd agreed to. And we're --

12 JUDGE SIPPLE: I --

13 MR. SCHATTENFIELD: -- getting it back --

14 JUDGE SIPPLE: I -- no, I, I'm not, I'm not --

15 MR. SCHATTENFIELD: It's really --

16 JUDGE SIPPLE: I'm not criticizing --

17 MR. ZAUNER: Well, it isn't really a change. It's a
18 --

19 JUDGE SIPPLE: I'm not criticizing -- I'm not
20 criticizing at all how the attorneys are handling the necessi-
21 ty to get the right language. That's absolutely what I'm
22 relying on. That's your job. I'm just a little bit -- I
23 mean, I stated it -- I'm just a little bit miffed, I guess,
24 that, that you're in Court and he's out someplace picking
25 carrots without being in telephone contact with his lawyers.

1 But, you know, as I say, that's -- you've explained it. I
2 accept your explanation.

3 MR. SCHATTENFIELD: I'd like to add one thing here,
4 and I've never done this before, but I'm going to do it now.
5 I've, I know Bob Zauner for years and I enjoy working with
6 him. He's professional, he fights for what he wants, he gives
7 me nothing, but he does it professionally and, and he's
8 somebody you can work with. He's not afraid you're going to
9 pick his pocket. I'm afraid he's going to pick mine, to tell
10 you the truth. But he's been professional and, and good to
11 work with, and as a result I think we were able to come to
12 almost the end of this proceeding because of his attitude and,
13 and his professionalism. I mean, I've never said that before,
14 but he's been good to work with and he has in the past.

15 JUDGE SIPPLE: Well, that's fine. Maybe, maybe
16 he'll be the next chairman.

17 (Laughter.)

18 MR. ZAUNER: Well, thank you.

19 MR. SCHATTENFIELD: But I know, for that reason -- I
20 bet if he was I'd --

21 JUDGE SIPPLE: Well, I, I do want to -- I, I mean,
22 I'm glad that you did mention it, because I, I did want to
23 commend both sides in terms of, of the stipulation. I mean,
24 this is the first I've seen of the stipulation, but I can tell
25 by the, the nature of the information that's in there and how

1 it's crafted that not only was it -- was a good job done to do
2 that, but the time and expense that you saved me and the
3 Commission and everybody else with respect to having to deve-
4 lop that the alternative way, which would be through live
5 testimony of experts. You've all done a very fine service to
6 this case, I feel. So -- and all around, good job.

7 But let's finish it up on time. This is -- this
8 concludes the hearing phase of this case and you've got the
9 dates on everything else to do. Have a good day.

10 MR. ZAUNER: Thank you.

11 MR. McCARTIN: Thank you.

12 (Whereupon, at 12:20 p.m. on Wednesday, February 23,
13 1994, the hearing concluded.)
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CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

IN RE APPLICATION OF RICHARD RICHARDS

Name

MM DOCKET NO. 93-176

Docket No.

WASHINGTON, D.C.

Place

FEBRUARY 22, 1994

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 168 through 245, inclusive, are the true, accurate and complete transcript prepared from the reporting by ALICE WEHNER in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

March 3, 1994

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